IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.23578 of 2004

Between:

1 B. Samrajyam, W/o. Late Sarveswararao,
Main Road, Sathupalli, Khammam District.
2 K. Raja Bapaiah, S/o. Kutumbarao,
Main Road, Sathupalli, Khammam District.
3 M. Sarojini, W/o. Srinivasarao,
Main Road, Sathupalli, Khammam District.
4 A. Prabhavathi, W/o. Vallabarayudu,
Main Road, Sathupalli, Khammam District.

..... PETITIONERS

AND

1 The District Collector, Khammam District at Khammam.
2 The District Panchayat Officer, Khammam, Khammam District.
3 Grampanchayat, Sathupalli, rep. by its Panchayat Secretary,
Sathupalli, Khammam District.
4 Geetha Jnana Mandiram Trust, Main Road, Sathupalli, rep. by its

President/Organizer, G. Venkateswararao.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to Issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 1 to 3 in not preventing the 4th respondent from constructing temple by converting a choultry without obtaining any sanction plan and contrary to building bylaws in spite of petitioners representations dt. 8.12.2004 and 13.12.2004 is illegal, irregular and violative of Sec.121 of the A.P.

Panchayat Raj Act and also AP Grampanchayat Land Development (Layout & building) Rules 2002 and consequently direct the respondents to prevent the 4th respondent from constructing temple or converting the choultry to any other form.

Counsel for the Petitioners: MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondent Nos.1 to 3: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent No.4: ----

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of respondents 1 to 3 in not preventing the 4th respondent-Geetha Gnana Mandiram Trust from converting a Choultry into Temple in spite of representations of the petitioners dated 08.12.2004 and 13.12.2004 as illegal and arbitrary.

The case of the petitioners is that they own houses on three directions of a Choultry, situated in an extent of about Ac.0.05 Guntas of land in Survey No.133/E of Sathupalli Revenue village, which was constructed about 25 years back and has been using for charitable purposes. It is stated that the said Choultry was named as Geetha Gnana Mandiram. The grievance of the petitioners is that the 4th respondent-Geetha Gnana Mandiram Trust without obtaining any prior permission from

respondents 1 to 3, started conversion of the said Choultry into a Temple causing inconvenience to the residents of that locality. Therefore, they submitted a representation dated 08.12.2004 to the Assistant Commissioner, Endowments, Khammam, marking copies thereof to respondents 1 to 3. Thereupon the 3rd respondent-Gram Panchayat issued a notice, dated 10.12.2004 to the 4th respondent. But, as the 4th respondent did not stop the construction work, they again made a representation on 13.12.2004 to respondents 1 to 3, in vain. Hence, the writ petition.

Heard learned counsel for the petitioner and learned Government Pleader for Panchayat Raj.

The petitioners themselves admitted in their writ affidavit that on their representation dated 08.12.2004, the 3rd respondent-Gram Panchayat issued a notice, dated 10.12.2004 to the 4th respondent. Hence, it cannot be said that the respondents have not acted upon on the representation submitted by them.

In that view of the matter, without keeping the writ petition pending, I deem it appropriate to dispose of the writ petition at the stage of admission itself with the following direction.

The 3rd respondent-Gram Panchayat shall consider the representations of the petitioners dated 08.12.2004 and 13.12.2004 and after taking into consideration of the explanation to be submitted by the 4th respondent to the notice dated 10.12.2004, pass appropriate orders in accordance with law, expeditiously. No costs.

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(N.V. RAMANA, J)

Date: 17.12.2004

Nsr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Khammam District at Khammam.
2 The District Panchayat Officer, Khammam, Khammam District.
3 The Panchayat Secretary, Grampanchayat, Sathupalli,
Sathupalli, Khammam District.
4 The President/Organizer, G. Venkateswararao, Geetha Jnana

Mandiram Trust, Main Road, Sathupalli,

5 Two CCs to GP for Panchayat Raj, High Court of AP, Hyderabad (OUT)

6 Two CD copies.